

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRANK FAHY,

Plaintiff,

v.

ORPHEOS TARBOX, et al.,

Defendants

No. C-09-1420 MMC

**ORDER CONTINUING HEARING ON
DEFENDANT STEINER'S MOTION TO
DISMISS OR FOR SUMMARY
JUDGMENT**

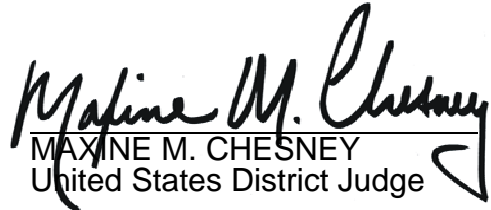
On August 6, 2009, defendant Alec Steiner ("Steiner") filed a "Motion To Dismiss For Failure To State A Claim On Which Relief Can Be Granted [Fed. R. Civ. P. 12(b)(6)] Or, In The Alternative, For Summary Judgment [Fed. R. Civ. P. 56]," and noticed said motion for hearing on September 11, 2009. On August 27, 2009, plaintiff Frank Fahy filed an opposition to Steiner's motion. In the interim, on August 20, 2009, defendants City and County of San Francisco, Orpheos Tarbox, Timothy Buelow, and Steven Stocker filed a "Motion to Dismiss and Motion for a More Definite Statement," and noticed their motion for hearing on September 25, 2009.

The two motions present at least one issue in common, specifically, whether the complaint provides fair notice of the claims. Accordingly, in the interests of judicial economy, the Court hereby CONTINUES the hearing on defendant Steiner's motion from September 11, 2009 to September 25, 2009.

1 In light of the continuance, if Steiner wishes to file a reply to plaintiff's opposition, any
2 such reply must be filed no later than September 11, 2009; additionally, any such filing
3 must be accompanied by a proof of service demonstrating the reply has been served on
4 Fahy and on counsel for the other defendants.

5 **IT IS SO ORDERED.**

6
7 Dated: September 3, 2009


MAXINE M. CHESNEY
United States District Judge